

**MINUTES OF THE  
HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**

Friday , March 2, 2018 • 8:00 a.m. • 450 State Capitol

**Members Present:**

Rep. Lee B. Perry, Chair  
Rep. Edward H. Redd, Vice Chair  
Rep. Cheryl K. Acton  
Rep. Rebecca P. Edwards  
Rep. Sandra Hollins  
Rep. Eric K. Hutchings  
Rep. Kelly B. Miles

Rep. Paul Ray  
Rep. Angela Romero  
Rep. Elizabeth Weight  
Rep. Mike Winder

**Staff Present:**

Mr. John Feinauer, Policy Analyst  
Ms. Katiemarie Harmon, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Chair Redd called the meeting to order at 8:04 a.m.

**MOTION:** Rep. Hollins moved to approve the minutes of the February 28, 2018 meeting. The motion passed with a vote of 6 - 0 - 5 .

Yeas-6

Rep. C. Acton  
Rep. S. Hollins  
Rep. E. Redd  
Rep. A. Romero  
Rep. E. Weight  
Rep. M. Winder

Nays-0

Absent-5

Rep. R. Edwards  
Rep. E. Hutchings  
Rep. K. Miles  
Rep. L. Perry  
Rep. P. Ray

**1 . S.B. 142 Victims of Domestic Violence Services Account Amendments (*Christensen, A.*)**

Sen. Allen M. Christensen presented the bill.

**MOTION:** Rep. Winder moved to pass S.B. 142 out favorably. The motion passed with a vote of 9 - 0 - 2 .

Yeas-9

Rep. C. Acton  
Rep. S. Hollins  
Rep. E. Hutchings  
Rep. L. Perry  
Rep. P. Ray  
Rep. E. Redd  
Rep. A. Romero  
Rep. E. Weight  
Rep. M. Winder

Nays-0

Absent-2

Rep. R. Edwards  
Rep. K. Miles

**MOTION:** Rep. Winder moved to place S.B. 142 on the Consent Calendar. The motion failed with a vote of 8 - 1 - 2 .

Yeas-8

Rep. C. Acton  
Rep. S. Hollins  
Rep. E. Hutchings

Nays-1

Rep. E. Weight

Absent-2

Rep. R. Edwards  
Rep. K. Miles

Rep. L. Perry  
Rep. P. Ray  
Rep. E. Redd  
Rep. A. Romero  
Rep. M. Winder

**2 . H.B. 447 Murder Defense Amendments (Romero, A.)**

Rep. Romero presented the bill with the assistance of Ms. Tera Peterson, Criminal Appeals, Utah Attorney General's Office, and Mr. Steven D. Christensen, Citizen.

Mr. Marshall Thompson, Director, Utah Sentencing Commission, spoke in favor of the bill.

Mr. Ralph Dellapiana, Assistant Director, Salt Lake Legal Defenders Association, spoke in opposition to the bill.

Ms. Tina Smith, Citizen, spoke in favor of the bill.

Mr. Tyson Scott, Citizen, spoke in favor of the bill.

Mr. Tom Ross, Utah Chiefs of Police Association, spoke in favor of the bill.

Ms. Marcia Jarrett, Citizen, spoke in favor of the bill.

**MOTION:** Rep. Ray moved to amend H.B. 447 with Amendment #2. The motion passed with a vote of 10 - 0 - 1 .

Amendment 2  
H.B. 447

1. Page 2, Lines 47 through 56:

47 (i) the actor experiences:

48 (A) extremely unusual and overwhelming stress immediately after and {solely} predominantly as a result

49 of a highly provoking act of the victim; and

50 (B) {a} an overwhelming loss of self-control as a result of the stress described in Subsection (2)(a)(i)(A) that is not regained before the actor commits the offense;

52 (ii) a reasonable person under the circumstances described in Subsection (2)(a)(i)(A)

53 would have experienced {a} an overwhelming loss of self-control; and

54 (iii) the time period after the circumstances described in Subsection (2)(a)(i) and before  
55 the commission of the offense was not long enough for a reasonable person under the same  
56 circumstances to have regained self-control.

2. Page 2, Line 57 through Page 3, Line 59:

57 (b) Under Subsection (1)(b), emotional distress does not include:

58 (i) a condition resulting from mental illness as defined in Section 76-2-305; or

59 (ii) { ~~distress that was~~ } extremely unusual and overwhelming stress that is substantially caused by  
the:

3. Page 4, Lines 90 through 92:

90 (c) If the trier of fact finds that special mitigation has not been established, the trier of

91 fact shall convict the defendant of the { ~~greater~~ } offense for which the prosecution has established

92 all the elements beyond a reasonable doubt.

4. Page 4, Lines 97 through 100:

97 (c) If the jury finds by a unanimous vote that special mitigation has not been

98 established, [it] or the jury is unable to unanimously agree whether special mitigation has been

99 established, the jury shall convict the defendant of the { ~~greater~~ } offense for which the prosecution

100 has established all the elements beyond a reasonable doubt.

Yeas-10

Rep. C. Acton

Rep. S. Hollins

Rep. E. Hutchings

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Rep. E. Redd

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Nays-0

Absent-1

Rep. R. Edwards

**MOTION:** Rep. Hollins moved to pass H.B. 447, as amended, out favorably. The motion passed with a vote of 9 - 1 - 1 .

Yeas-9

Rep. C. Acton

Rep. S. Hollins

Rep. E. Hutchings

Rep. L. Perry

Rep. P. Ray

Rep. E. Redd

Nays-1

Rep. K. Miles

Absent-1

Rep. R. Edwards

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

**3 . 1st Sub. S.B. 154 Prohibition of Law Enforcement Quotas (*Stephenson, H.*)**

Sen. Howard A. Stephenson presented the bill with the assistance of Mr. Eric Moutsos, Former Police Officer, Salt Lake City Police Department.

Ms. Marina Lowe, Legislative and Policy Counsel, ACLU of Utah, spoke in favor of the bill.

Mr. Ross spoke to the bill.

Ms. Molly Davis, Libertas Institute, spoke in favor of the bill.

Mr. Michael Rapich, Superintendent, Utah Highway Patrol, spoke in opposition to the bill.

Mr. Randy Watt, Chief of Police, Ogden Police Department, spoke against the bill.

**MOTION:** Rep. Ray moved to replace 1st Substitute S.B. 154 with 3rd Substitute S.B. 154. The motion passed with a vote of 9 - 2 - 0 .

Yeas-9

Rep. C. Acton

Rep. R. Edwards

Rep. S. Hollins

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Nays-2

Rep. E. Hutchings

Rep. E. Redd

Absent-0

**MOTION:** Rep. Ray moved to amend 3rd Substitute S.B. 154 with Amendment #1. The motion passed with a vote of 11 - 0 - 0 .

Amendment 1

3rd Sub. S.B. 154

1. Page 2, Lines 30 through 32:

30 (b) (i) "Law enforcement quota" means any requirement or minimum standard

31 regarding the number or percentage of {~~warnings,~~} citations {~~, stops,~~} or arrests made by a law

32 enforcement officer.

2. Page 2, Lines 35 through 36:

35 (2) A political subdivision or law enforcement agency employing a peace officer may

36 not require {~~, suggest,~~} or direct that a peace officer meet a law enforcement quota.

Yeas-11

Nays-0

Absent-0

Rep. C. Acton

Rep. R. Edwards

Rep. S. Hollins

Rep. E. Hutchings

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Rep. E. Redd

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

**MOTION:** Rep. Perry moved to pass 3rd Substitute S.B. 154, as amended, out favorably. The motion passed with a vote of 11 - 0 - 0 .

Yeas-11

Nays-0

Absent-0

Rep. C. Acton

Rep. R. Edwards

Rep. S. Hollins

Rep. E. Hutchings

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Rep. E. Redd

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

#### **4 . H.B. 470 Commission on Criminal and Juvenile Justice Amendments (*Hutchings, E.*)**

Rep. Hutchings presented the bill with the assistance of Mr. Will Carlson, Deputy District Attorney, Salt Lake District Attorney's Office.

Ms. Kim Cordova, Executive Director, Criminal and Juvenile Justice, spoke in favor of the bill.

**MOTION:** Rep. Miles moved to pass H.B. 470 out favorably.

**MOTION:** Rep. Ray moved to amend H.B. 470 with Amendment #0, and then withdrew the motion.

Rep. Miles' motion to pass H.B. 470 out favorably passed with a vote of 11 - 0 - 0 .

<u>Yeas-11</u>	<u>Nays-0</u>	<u>Absent-0</u>
Rep. C. Acton		
Rep. R. Edwards		
Rep. S. Hollins		
Rep. E. Hutchings		
Rep. K. Miles		
Rep. L. Perry		
Rep. P. Ray		
Rep. E. Redd		
Rep. A. Romero		
Rep. E. Weight		
Rep. M. Winder		

**5 . S.B. 187 Parent Time Amendments (*Escamilla (Robles), L.*)**

Sen. Luz Escamilla presented the bill.

**MOTION:** Rep. Romero moved to pass S.B. 187 out favorably. The motion passed with a vote of 11 - 0 - 0 .

<u>Yeas-11</u>	<u>Nays-0</u>	<u>Absent-0</u>
Rep. C. Acton		
Rep. R. Edwards		
Rep. S. Hollins		
Rep. E. Hutchings		
Rep. K. Miles		
Rep. L. Perry		
Rep. P. Ray		
Rep. E. Redd		
Rep. A. Romero		
Rep. E. Weight		

Rep. M. Winder

**MOTION:** Rep. Ray moved to adjourn. The motion passed with a vote of 11 - 0 - 0 .

Yeas-11

Nays-0

Absent-0

Rep. C. Acton

Rep. R. Edwards

Rep. S. Hollins

Rep. E. Hutchings

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Rep. E. Redd

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Chair Redd adjourned the meeting at 10:00 a.m.